

2005 SENATE BILL 424

1 **AN ACT** *to amend* 177.17 (4) (a) 1., 177.22 (1), 177.23 (1) and 177.27 (2); and *to*
2 *repeal and recreate* 177.10 of the statutes; **relating to:** abandoned and
3 unclaimed property.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1g.** 177.10 of the statutes is repealed and recreated to read:

5 **177.10 Stock and other intangible interest in a business association.**

6 **(1)** Stock or other equity interest in a business association is presumed unclaimed
7 3 years after the earliest of the following:

8 (a) The date of the most recent dividend, stock split, or other distribution
9 unclaimed by the apparent owner.

10 (b) The date a statement of account or other notification or communication was
11 returned as undeliverable.

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1 **(2)** Subsection (1) applies to both the underlying stock, share, or other
2 intangible ownership interest of an owner, and to the stock, share, or other intangible
3 ownership interest in dividend and nondividend paying business associations
4 whether or not the interest is represented by a certificate.

5 **(3)** Except as provided in s. 177.13, unmatured or unredeemed debt, other than
6 a bearer bond or an original issue discount bond, is presumed unclaimed 3 years after
7 the date of the earliest interest payment unclaimed by the owner.

8 **(4)** Except as provided in s. 177.13, matured or redeemed debt is presumed
9 unclaimed 3 years after the date of maturity or redemption.

10 **(5)** At the time property is presumed unclaimed under sub. (1) or (2), any other
11 property right accrued or accruing to the owner as a result of the property interest
12 and not previously presumed unclaimed is also presumed unclaimed.

13 **(6)** A stock or other intangible ownership interest enrolled in a plan that
14 provides for the automatic reinvestment of dividends, distributions, or other sums
15 payable as a result of the interest shall not be presumed to be abandoned if the holder
16 has sent a statement or other business communication concerning the property to the
17 owner by 1st class mail and the statement or other business communication has not
18 been returned for inability to make delivery to the addressee.

19 **(7)** Any dividend, profit, distribution, interest, redemption, payment on
20 principal, or other sum held or owned by a business association for or to its
21 shareholder, certificate holder, member, bondholder, or other security holder, who
22 has not claimed it, or corresponded in writing with the business association
23 concerning it, within 3 years after the date prescribed for payment or delivery, is
24 presumed unclaimed.

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1 **(8)** The running of any 3-year period under this section ceases if the person
2 does any of the following:

3 (a) Communicates in writing with the association or its agent regarding the
4 interest or a dividend, distribution, or other sum payable as a result of the interest.

5 (b) Otherwise communicates with the association regarding the interest or a
6 dividend, distribution, or other sum payable as a result of the interest, as evidenced
7 by a memorandum or other record on file with the association or its agent.

8 (c) Presents an instrument issued to pay interest or a dividend or other cash
9 distribution. If any future dividend, distribution, or other sum payable to the owner
10 as a result of the interest is subsequently not claimed by the owner, a new period in
11 which the property is presumed unclaimed commences and relates back only to the
12 time a subsequent dividend, distribution, or other sum became due and payable.

13 **SECTION 1m.** 177.17 (4) (a) 1. of the statutes is amended to read:

14 177.17 **(4)** (a) 1. Before November 1 of each year, each holder shall file a report
15 covering the previous calendar fiscal year. On written request by any person
16 required to file a report, the administrator may extend the deadline established in
17 this paragraph.

18 **SECTION 2.** 177.22 (1) of the statutes is amended to read:

19 177.22 **(1)** Except as provided in subs. (2) and (4), the administrator, within 3
20 years after the receipt of abandoned property, shall sell it to the highest bidder at
21 ~~public sale in the city, village or town in this state which~~ in a manner that, in the
22 judgment of the administrator, affords the most favorable market for the property.
23 The administrator may decline the highest bid and reoffer the property for sale if,
24 in his or her judgment, the bid is insufficient. If the administrator determines that
25 the probable cost of sale exceeds the value of the property, it need not be offered for

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1 sale. Any public sale under this section held ~~under this section~~ in a city, village, or
2 town in this state shall be preceded by the publication of one notice, at least 3 weeks
3 in advance of sale, in a newspaper of general circulation in the county in which the
4 property is to be sold.

5 **SECTION 3.** 177.23 (1) of the statutes is amended to read:

6 177.23 (1) Except as provided in sub. (2), the administrator shall deposit in the
7 school fund all funds received under this chapter, including the clear proceeds from
8 the sale of abandoned property under s. 177.22. Before making the deposit, the
9 administrator shall record the name and last-known address of each person
10 appearing from the holders' reports to be entitled to the property and the name and
11 last-known address of each insured person or annuitant and beneficiary and, with
12 respect to each policy or contract listed in the report of an insurance company, its
13 number, the name of the company and the amount due. The information recorded
14 by the administrator under this subsection is not available for inspection or copying
15 under s. 19.35 (1) until ~~24~~ 12 months after payment or delivery of the property is due
16 under s. 177.17 (4) (a).

17 **SECTION 4.** 177.27 (2) of the statutes is amended to read:

18 177.27 (2) A holder may report and deliver property before the property is
19 presumed abandoned with the written consent of the administrator and upon the
20 conditions and terms prescribed by the administrator. ~~Property delivered under this~~
21 ~~subsection shall be held by the administrator and is not presumed abandoned until~~
22 ~~the time it would be presumed abandoned under this chapter.~~

23 **SECTION 5. Nonstatutory provisions.**

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(1) Notwithstanding section 177.17 (4) (a) 1. of the statutes, as affected by this act, the report due before November 1, 2006, shall cover the period from January 1, 2005, to June 30, 2006.

SECTION 6. Initial applicability.

(1) This act first applies to property delivered to or in the possession of, and information relating to property delivered to or in the possession of, the state treasurer on the effective date of this subsection.

(END)